

MELINDA HAAG (CABN 132612)
United States Attorney

Filed

DEC 3 - 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER COOPER, JOSHUA JOHN
COVELLI, KEITH DOWNEY, MERCEDES
HAEFER, DONALD HUSBAND, VINCENT
KERSHAW, ETHAN MILES, JAMES
MURPHY, DREW ALLAN PHILLIPS,
JEFFREY PUGLISI, DANIEL SULLIVAN,
TRACY ANN VALENZUELA, and
CHRISTOPHER VO,

Defendants.

CASE NO. CR 11-00471 DLJ

VIOLATION: 18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) -
Conspiracy; 18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i)
- Intentional Damage to a Protected Computer (Class
A Misdemeanor); 18 U.S.C. §§ 1030(a)(5)(B),
(c)(4)(G)(i) - Reckless Damage to a Protected
Computer (Class A Misdemeanor)

SUPERSEDING INFORMATION

The United States Attorney charges:

Introductory Allegations:

At all times relevant to this Indictment:

1. PayPal, Inc. ("PayPal") was an e-commerce business, wholly-owned by eBay,
Inc., with headquarters and computer servers located in San Jose, California, that enabled payments and

NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 money transfers to be made over the Internet. These online money transfers served as electronic
2 alternatives to traditional paper payment methods, such as checks and money orders. PayPal required its
3 customers to abide by its terms of service, and conducted business in interstate and foreign commerce.
4 PayPal's computers were used in and affecting interstate and foreign commerce and communication.

5 2. WikiLeaks was an international non-profit organization that published submissions of
6 otherwise unavailable documents from anonymous sources. The WikiLeaks website stated that
7 WikiLeaks provided an innovative, secure, and anonymous way for independent sources to leak
8 information. WikiLeaks' only revenue stream was through donations, and it conducted its collection of
9 donations through PayPal, among others. Julian Assange was the founder, main spokesperson, and
10 editor-in-chief for WikiLeaks.

11 3. Anonymous, also known as AnonOps ("Anonymous"), was an online collective of
12 individuals that was associated with collaborative hacking attacks motivated by political and social
13 goals, often referred to as "hactivism."

14 4. A Distributed Denial of Service ("DDoS") was a hacking attack that attempted to render a
15 computer resource unavailable to its intended users. One common DDoS attack attempted to saturate
16 the target computer or network with external communications requests, such that the target could not
17 respond to legitimate traffic, or responded so slowly as to render the target effectively unavailable.

18 5. A Low Orbit Ion Cannon ("LOIC") was an open source computer program that was
19 originally designed as a network stress testing application, but which was also used as a tool by DDoS
20 attackers. Attackers used LOIC to send extremely large amounts of packets or requests over a network
21 in an attempt to overwhelm a target. Attackers configured LOIC in two ways: Manual mode or HIVE
22 mode. In Manual mode, an individual attacker had to enter a specific target, such as the IP address or
23 the http address of the target. The HIVE mode enabled an attacker to connect their LOIC to an Internet
24 Relay Chat Server, which allowed a third party to control at which specific target all HIVE-mode LOIC
25 attackers would be aimed.

26 Anonymous DDoS Attacks on PayPal:

27 6. In late November 2010, WikiLeaks released a large amount of classified United States
28

State Department cables on its website. Citing violations of the PayPal terms of service, and in response to WikiLeaks' release of the classified cables, PayPal suspended WikiLeaks' accounts such that Wikileaks could no longer receive donations via PayPal. WikiLeaks' website declared that PayPal's action "tried to economically strangle WikiLeaks."

7. In retribution for PayPal's termination of WikiLeaks' donation account, Anonymous coordinated and executed DDoS attacks against PayPal's computer servers using LOIC. Anonymous referred to these co-ordinated attacks on PayPal as "Operation Avenge Assange."

COUNT ONE: (18 U.S.C. §§ 1030(b), (c)(4)(A)(i)(I) – Conspiracy)

8. The factual allegations contained in Paragraphs 1 through 7 are realleged and incorporated herein by reference as if set forth in full.

9. On or about a date unknown but at least by December 6, 2010, and continuing to on or about December 10, 2010, in the Northern District of California and elsewhere, the defendants,

CHRISTOPHER COOPER,
JOSHUA JOHN COVELLI,
KEITH DOWNEY,
MERCEDES HAEFER,
DONALD HUSBAND,
VINCENT KERSHAW,
ETHAN MILES,
JAMES MURPHY,
DREW ALLAN PHILLIPS
JEFFREY PUGLISI,
DANIEL SULLIVAN,
CHRISTOPHER VO, and
TRACY ANN VALENZUELA,

did knowingly conspire and agree with each other and other persons known and unknown to commit Intentional Damage to a Protected Computer, in violation of 18 U.S.C. §§ 1030(a)(5)(A) & (c)(4)(A)(i)(I), that is to commit a DDoS attack on PayPal's protected computers.

All in violation of Title 18, United States Code, Sections 1030(b) & (c)(4)(A)(i)(I).

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SUPERSEDING INFORMATION

1 COUNT TWO: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
2 Computer)

3 10. Between December 6, 2010 and December 10, 2010, in the Northern District of
4 California and elsewhere, the defendant,

5 CHRISTOPHER COOPER,
6 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
7 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
8 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
9 interstate and foreign commerce and communication.

10 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
11 misdemeanor.

12 COUNT THREE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
13 Computer)

14 11. Between December 6, 2010 and December 10, 2010, in the Northern District of
15 California and elsewhere, the defendant,

16 JOSHUA JOHN COVELLI,
17 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
18 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
19 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
20 interstate and foreign commerce and communication.

21 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
22 misdemeanor.

23 COUNT FOUR: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
24 Computer)

25 12. On or about December 16, 2010, in the Northern District of California and elsewhere, the
26 defendant,

27 JOSHUA JOHN COVELLI,
28 did knowingly cause the transmission of a program, information, code or command, to wit, the High

NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

Orbit Ion Cannon (HOIC) software program, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, to wit, the Santa Cruz County web server, a computer used in interstate and foreign commerce and communication.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A misdemeanor.

COUNT FIVE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected Computer)

13. Between December 6, 2010 and December 10, 2010, in the Northern District of California and elsewhere, the defendant,

KEITH DOWNEY,

did knowingly cause the transmission of a program, information, code or command, to wit, the Low Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in interstate and foreign commerce and communication.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A misdemeanor.

COUNT SIX: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected Computer)

14. Between December 6, 2010 and December 10, 2010, in the Northern District of California and elsewhere, the defendant,

MERCEDES HAEFER,

did knowingly cause the transmission of a program, information, code or command, to wit, the Low Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in interstate and foreign commerce and communication.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A misdemeanor.

NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 COUNT SEVEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
2 Computer)

3 15. Between December 6, 2010 and December 10, 2010, in the Northern District of
4 California and elsewhere, the defendant,

5 DONALD HUSBAND,
6 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
7 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
8 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
9 interstate and foreign commerce and communication.

10 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
11 misdemeanor.

12 COUNT EIGHT: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
13 Computer)

14 16. Between December 6, 2010 and December 10, 2010, in the Northern District of
15 California and elsewhere, the defendant,

16 VINCENT KERSHAW,
17 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
18 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
19 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
20 interstate and foreign commerce and communication.

21 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
22 misdemeanor.

23 COUNT NINE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
24 Computer)

25 17. Between December 6, 2010 and December 10, 2010, in the Northern District of
26 California and elsewhere, the defendant,

27 ETHAN MILES,

28 NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

1 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
 2 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
 3 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
 4 interstate and foreign commerce and communication.

5 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
 6 misdemeanor.

7 COUNT TEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
 8 Computer)

9 18. Between December 6, 2010 and December 10, 2010, in the Northern District of
 10 California and elsewhere, the defendant,

11 JAMES MURPHY,

12 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
 13 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
 14 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
 15 interstate and foreign commerce and communication.

16 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
 17 misdemeanor.

18 COUNT ELEVEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
 19 Computer)

20 19. Between December 6, 2010 and December 10, 2010, in the Northern District of
 21 California and elsewhere, the defendant,

22 DREW ALLAN PHILLIPS,

23 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
 24 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
 25 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
 26 interstate and foreign commerce and communication.

27 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A

28 NO. CR 11-00471 DLJ
 SUPERSEDING INFORMATION

1 misdemeanor.

2 COUNT TWELVE: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
3 Computer)

4 20. Between December 6, 2010 and December 10, 2010, in the Northern District of
5 California and elsewhere, the defendant,

6 JEFFREY PUGLISI,

7 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
8 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
9 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
10 interstate and foreign commerce and communication.

11 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
12 misdemeanor.

13 COUNT THIRTEEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected
14 Computer)

15 21. Between December 6, 2010 and December 10, 2010, in the Northern District of
16 California and elsewhere, the defendant,

17 DANIEL SULLIVAN,

18 did knowingly cause the transmission of a program, information, code or command, to wit, the Low
19 Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused
20 damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in
interstate and foreign commerce and communication.

21 All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A
22 misdemeanor.

23 COUNT FOURTEEN: (18 U.S.C. §§ 1030(a)(5)(B), (c)(4)(G)(i) – Reckless Damage to a Protected
24 Computer)

25 22. Between December 6, 2010 and December 10, 2010, in the Northern District of
26 California and elsewhere, the defendant,

27 NO. CR 11-00471 DLJ
28 SUPERSEDING INFORMATION

TRACY ANN VALENZUELA,

knowingly and intentionally accessed a protected computer without authorization, to wit, Paypal's web server, and as a result of such conduct, recklessly caused damage to that computer.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(B), (c)(4)(G)(i), a Class A misdemeanor.

COUNT FIFTEEN: (18 U.S.C. §§ 1030(a)(5)(A), (c)(4)(G)(i) – Intentional Damage to a Protected Computer)

23. Between December 6, 2010 and December 10, 2010, in the Northern District of California and elsewhere, the defendant,

CHRISTOPHER VO,

did knowingly cause the transmission of a program, information, code or command, to wit, the Low Orbit Ion Cannon (LOIC) software program, and as a result of such conduct, intentionally caused damage without authorization to a protected computer, to wit, the PayPal web server, a computer used in interstate and foreign commerce and communication.

All in violation of Title 18, United States Code, Sections 1030(a)(5)(A), (c)(4)(G)(i), a Class A misdemeanor.

Dated: 12/3/13

MELINDA HAAG
United States Attorney

MATTHEW A. PARRELLA
Chief, CHIP Unit

NO. CR 11-00471 DLJ
SUPERSEDING INFORMATION

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

 PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Filed

DEFENDANT - U.S.

DEC 3 - 2013

Christopher Cooper

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURTDISTRICT COURT NUMBER NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

11-00471 DLJ

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☒ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING

OFFENSE CHARGED

Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

DECLERK
 RICHARD W. WIEKING
 DEPENDANT - U.S. DISTRICT COURT
 SAN JOSE DIVISION
 DEC 3 - 2013
 Joshua [unclear]
 DISTRICT COURT NUMBER
 11-00471 DLJ
 Richard W. Wiekling
 Clerk, U.S. District Court
 Northern District of California
 San Jose

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

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☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

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 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction } ☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

13

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING

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Filed
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 DIVISION
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
 DISTRICT COURT NUMBER
 11-00471 DLJ
 Richard W. Wieking
 U.S. District Court
 Northern District of California
 San Jose

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

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☒ U.S. Attorney ☐ Other U.S. Agency

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 Attorney (if assigned) Matthew Parrella

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IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

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DATE OF ARREST

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Date/Time: _____ Before Judge: _____

Comments:

Handwritten signature/initials

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
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 Name and Office of Person Furnishing Information on this form MELINDA HAAG
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S. Attorney (if assigned) Matthew Parrella

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DISTRICT COURT NUMBER 11-00471 DLJ

11-00471 DLJ

 Richard W. Wieking
 Clerk, U.S. District Court
 Northern District of California
 San Jose
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Bail Amount: _____

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

15

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I)
 Intentional Damage to a Protected Computer -
 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i)
 Reckless Damage to a Protected Computer -
 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i)

☐ Petty
☐ Misdemeanor
☒ Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEFENDANT: U.S.

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE

DISTRICT COURT NUMBER

11-00471 DLJ

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

AG

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

 PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Vincent Kershaw

DISTRICT COURT NUMBER

11-00471 DLJ

 DEC 3 - 2013
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
IS NOT IN CUSTODY
 Has not been arrested, pending outcome this proceeding.
 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Δ 7

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Ethan Miles

DISTRICT COURT NUMBER
11-00471 DLJ
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☒ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF
ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED
TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

18

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

 PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

James Murphy

DISTRICT COURT NUMBER

11-00471 DLJ

DEC 3 - 2013

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

9

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

 PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Drew Allan Phillips

DISTRICT COURT NUMBER

11-00471 DLJ

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
DEFENDANT
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

Δ10

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Jeffrey Puglisi

DISTRICT COURT NUMBER **DEC 3 - 2013**

11-00471 DLJ

FILED
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
DEFENDANT**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG
☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments:

11

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

 PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Daniel Sullivan

DISTRICT COURT NUMBER

11-00471 DLJ

 Filed
 DEC 3 - 2013
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court.

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

DEFENDANT**IS NOT IN CUSTODY**
 1) ☒ Has not been arrested, pending outcome this proceeding.
☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____

Before Judge: _____

Comments:

112

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED

☐ Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I)
☐ Intentional Damage to a Protected Computer -
 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i)
☐ Reckless Damage to a Protected Computer -
 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i)
☐ Petty
☐ Minor
☒ Misdemeanor
☒ Felony

PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine, 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Tracy Ann Valenzuela

DISTRICT COURT NUMBER

11-00471 DLJ

 DEC 3 - 2013
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) Matthew Parrella

DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction
☐ Federal ☐ State
6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

1/3

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☒ SUPERSEDING
OFFENSE CHARGED
 Conspiracy - 18 U.S.C. 1030(b), (c)(4)(A)(i)(I) ☐ Petty
 Intentional Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(A), (c)(4)(G)(i) ☐ Minor
 Reckless Damage to a Protected Computer - 18 U.S.C. 1030(a)(5)(B), (c)(4)(G)(i) ☒ Misdemeanor
☒ Felony

 PENALTY: Count 1 - 5 years imprisonment; \$250,000 fine; 3 years supervised release; \$100 mandatory special assessment
 Counts 2-16 - 1 year imprisonment; \$100,000 fine; 1 year supervised release; \$25 mandatory assessment each count

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

Christopher Vo

DISTRICT COURT NUMBER
11-00471 DLJ
 RICHARD W. WIEKING
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE
DEFENDANT**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

- 1)
- ☒
- If not detained give date any prior summons was served on above charges
-
- 2)
- ☐
- Is a Fugitive
-
- 3)
- ☐
- Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)
- ☐
- On this charge
-
- 5)
- ☐
- On another conviction }
- ☐
- Federal
- ☐
- State
-
- 6)
- ☐
- Awaiting trial on other charges
-
- If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... If Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

FBI Special Agent Melanie Adams

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☒ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form MELINDA HAAG

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Matthew Parrella

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: _____

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